



# Public Service Commission

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** February 20, 1995  
**TO:** Division of Records and Reporting  
 Division of Legal Services, Alice Crosby  
**FROM:** Division of Water & Wastewater, J. Travis Coker *JTC*  
**RE:** DOCKET NO. 951235-WS; Resolution of the Board of County Commissioners of Manatee County subject to the provision of Chapter 367, F.S. - exemption request for water service by Lewis Paint/Riley Sales.

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On October 10, 1995, the Manatee County Board of County Commissioners adopted Resolution No. R-95-109, pursuant to Section 367.171, Florida Statutes, declaring the privately owned water and wastewater utilities in Manatee County subject to the provisions of Chapter 367, Florida Statutes, effective October 10, 1995. The Florida Public Service Commission received Manatee County's resolution on October 17, 1995. The effect of the resolution is to invoke Public Service Commission jurisdiction over privately owned water and wastewater systems in Manatee County. Pursuant to Section 367.031, Florida Statutes, all utilities subject to the Commission's jurisdiction must obtain either a certificate to provide water and wastewater service or an order recognizing the exempt status of the system.

On January 9, 1996, Mr. Gary Riley filed an application on behalf of Lewis Paint/Riley Sales (Lewis Paint) for an exemption as a water service provider from the Florida Public Service Commission under Section 367.021 (12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code as a non-jurisdictional entity. The location of the water system is 1341 Whitfield Avenue, Sarasota, Florida, 34221. The system provides water service for a commercial business. The mailing address is the same as above. Mr. Gary Riley will remain as the contact person for Commission purposes. Lewis Paint is a retail business operating as a sole proprietorship. Water service is provided by a well. Wastewater service is provided by the Manatee County sewer system.

In its application, Lewis Paint states it provides water service and there is no charge for providing utility service. Additionally, all costs of providing service are treated or recovered as operational expenses. The applicant acknowledged Section 837.06, Florida Statutes, regarding false statements.

Based upon the facts presented herein, staff believes Lewis Paint is exempt from Commission regulation as a water service provider as defined by Section 367.021(12), Florida Statutes, and Rule 25-30.060(3)(j), Florida Administrative Code. Section 2.08(C)(14) of the Administrative Procedures Manual (APM) gives staff the administrative authority to approve requests for exempt status when the application is clear-cut and without controversy.

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Staff recommends that an administrative order be issued within 30 days indicating the exempt status of Lewis Paint. The order should provide that in the event of any change of circumstances or method of operation, Lewis Paint, or its successor(s) in interest should notify the Commission within thirty days of such change so that its exempt status may be reevaluated.

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